



MEETING DATE: 10/02/06

ITEM NO:

5

COUNCIL AGENDA REPORT

DATE: September 28, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: CONSIDER A REQUEST TO CHANGE THE ZONE FROM RM:5-12 TO RM:5-12:PD FOR A SEVEN LOT RESIDENTIAL SUBDIVISION AND APPROVAL TO DEMOLISH A SINGLE FAMILY RESIDENCE AND A 3-UNIT APARTMENT BUILDING BUILT PRIOR TO 1941. NO SIGNIFICANT ENVIRONMENTAL IMPACTS HAVE BEEN IDENTIFIED AND A MITIGATED NEGATIVE DECLARATION IS RECOMMENDED. APNS 529-16-021 AND 045. PLANNED DEVELOPMENT APPLICATION PD-05-1, ARCHITECTURE AND SITE APPLICATION S-05-15, NEGATIVE DECLARATION ND-05-03. PROPERTY LOCATION: 17005 AND 17017 ROBERTS ROAD. PROPERTY OWNER: KHURRAM IQBAL APPLICANT: LOUIE LEU ARCHITECTS


RECOMMENDATION:

1. Accept report in the form of meeting minutes from the Planning Commission regarding a Planned Development at 17007 and 17015 Roberts Road (Attachment 4).
2. Hold the public hearing and receive public testimony;
3. Close the public hearing.

Alternative A:

If Council decides to approve the proposed project, the following actions are required (additional conditions may be added to the Planned Development Ordinance):

1. Make the Negative Declaration (Exhibit L of Attachment 7);
2. Make the required findings (Attachment 1);
3. Adopt the Mitigation Monitoring Plan (Attachment 3);
4. Move to waive the reading of the Planned Development Ordinance (Attachment 2);
5. Direct the Clerk to read the title of the Planned Development Ordinance (Attachment 2);
6. Introduce the Ordinance to effectuate Planned Development Application PD-05-1 (Attachment 2);
7. Refer to Town Attorney for the preparation of the appropriate resolution.

PREPARED BY: BUD N. LORTZ, 
Director of Community Development

Reviewed by: PS Assistant Town Manager _____ Town Attorney
_____ Clerk Administrator _____ Finance ☒ Community Development

Alternative B:

If the Council decides that further changes should be made to the proposed project prior to approval, it may:

1. Remand the project to the Planning Commission with direction about the required changes, or
2. Continue the project to a date certain and provide specific direction to the applicant about the required changes.

Alternative C:

If the Council decides that the current zoning designation should not be changed, Council should deny the Planned Development Application PD-05-1 and refer the matter to the Town Attorney for the preparation of the appropriate resolution.

BACKGROUND:

On September 18, 2006, the Council reviewed the proposed project and continued the matter to the October 2, 2006 Council meeting to allow the applicant to:

1. Address the issue of rear yard access with the abutting neighbors; and
2. Consider design improvements to the proposed site plan based on comments from Councilmembers.

DISCUSSION:

The applicant has provided a letter (Attachment 13) that outlines the steps that have been taken since the Council hearing. The letter provides information on the number of units and consideration of a BMP unit. The applicant has provided two alternative site plans and renderings for the Council's consideration (see Attachments 13 and 14).

Option D:

This is the applicant's preferred site plan. The following changes have been incorporated since the Council meeting:

1. The rear yard access for the abutting neighbors has been resolved (See Attachment 13). The applicant will transfer a three foot wide strip of land to the adjoining townhouse owners to provide access to their rear yards.
2. The private road area has been reduced;
3. Two guest spaces have been relocated which allows:
 - a. More private open space between Lots 3-6;
 - b. Increased side setbacks for Lots 3-5 of eight feet; and
 - c. A 20 foot rear setback for Lot 6.

In response to a question from a Councilmember, staff calculated the amount of private open space area proposed in this project. The Town's Residential Development Standards establish a standard of 600 square feet of open space for three bedroom single family homes. This alternative provides between 800 and 1400 square feet of private open space.

Option E:

The applicant explored the option of reorienting the units on Lots 1 and 2 to face towards the south. The applicant states that this option increases the length of the sound wall adjacent to Blossom Hill Road and places the wall closer to the street. The Council should note that the "Project Description" included on the Option E site plan is incorrect.

CONCLUSION:

The Council should review the information and alternative site plans and determine if the proposed project (Attachment 12) or one of the other two alternatives (Attachment 14) are appropriate.

ENVIRONMENTAL ASSESSMENT:

It has been determined that this project will not have a significant impact on the environment and a Mitigated Negative Declaration has been prepared for this proposal.

FISCAL IMPACT:

None.

Attachments:

- 1-12. Previously Submitted
- 13. Letter and information provided by the applicant (Attachment 2 and 3 removed and included as Attachment 14 of this report), received September 26, 2006 (10 Pages)
- 14. Alternative Site Plans (Options D and E), received September 26, 2006 (2 Pages)

Distribution:

Louie Leu Architect, 236 N. Santa Cruz Avenue #210, Los Gatos, CA 95030
Khurram Iqbal, 1100 N. First Street, Suite E, San Jose, CA 95112

BNL:JP:

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LOUIE LEU
ARCHITECT, Inc.

September 25, 2006

Mr. Joel Paulson and Members of the Town Council
Town of Los Gatos, Community Development, Civic Center
110 E. Main Street
P.O. Box 949
Los Gatos, CA 95031

Location of Job: 17005 & 17017 Roberts Road, Los Gatos, PD-05-01, S-05-015, ND-05-03

Dear Mr. Paulson and Members of the Town Council:

We have carefully considered the comments of the Town Council on September 18, 2006. The main issues to which we have responded are as follows:

- 1) The issue of rear yard access to the neighboring Victoriana town home units 2, 3 and 4.
- 2) The number of dwelling units.
- 3) Design improvements to the 7-unit site plan layout.

Rear Yard Access

The issue of rear yard access has been resolved, and the Victoriana homeowners now support the project. A proposal was presented by the property owner, Khurram Iqbal, and has been accepted by the three owners of the Victoriana town home units 2, 3 & 4.

The proposal would transfer Ownership of a strip of land, 3 feet wide by 105 feet in length, to the three owners for access to their rear yards. An equitable division of the cost of fencing and other improvements, title transfer and escrow costs has also been agreed upon. A copy of the proposal is attached for your information. (Exhibit 'A')

Number of Dwelling Units

Though the majority of Council members did not express a concern with the number of dwelling units proposed, we wanted to take this opportunity to respond to Council members Pirzynski and Spector's comments regarding the viability of a design for six or less units.

When Eden Homes initiated this process, prior attempts to develop the two separate parcels had failed. Subsequently, the CDAC recommended that when the second parcel became available on the market, that Eden homes purchase it, thereby creating an opportunity to comprehensively plan the two dilapidated and awkwardly shaped parcels into one quality development. CDAC's request to take ownership of the two parcels required Eden Homes to purchase the second parcel when the market was at a premium with the intent that by doing so, they could achieve excellence in design.

This approach is complex and required considerable financial risk, a substantial upfront investment, and the need (due to having to merge the two parcels) to re-initiate the planning,

LOUIE LEU
ARCHITECT, Inc.

design, engineering, environmental and entitlement process from scratch. Due to the site's two major frontages, its orientation and relationship to commercial and residential uses, it is a challenging site to plan and design. It has taken substantial thought, consideration, and creativity. We understood that this approach would take additional time, investment, and collaboration with the Planning staff, but had hoped, given that we were taking the advice of the CDAC and investing significant time and resources on the front end, that we could achieve at minimum, 9 dwelling units. This was our original goal.

After nearly 2 1/2 years of working closely with staff, we have heeded their comments and concerns and revised the plans to reduce the number of units from our original design of 9 units, to 7 units. When considering the zoning of RM5-12 density, 7 units is at the lower end of this range, and the F.A.R. is also at the low end of the range when compared to similar housing developments approved within the past ten years. Taking this into account with the Town's housing needs as identified in the General Plan's Housing Element, 7 units is appropriate. This has been the number we have been working with now for the last two years. Given the significant upfront financial investment Eden homes has made in this effort, any fewer units would result in the need to put the property back on the market.

In addition, we had carefully considered the concept of dedicating one unit to a BMR unit. However, with only 7 dwelling units, this would represent more than 14% of our proposed development, and would result in a project that does not "pencil out". Serra Court with 7 units also does not have any BMR units. In developments where there are more units, the cost of units dedicated to BMR can be absorbed more equitably throughout the balance of the project.

Design Improvements to the 7-unit Site Plan layout

We have met again with the Planning staff, Public Works Department, and Fire Department to discuss the Council's comments about the design layout, to review the requirements and to explore opportunities to improve on the current 7-unit design. We were able to make some revisions which we feel are improvements to the modified Option "C", which we have labeled as Option "D" to avoid confusion. In summary, the revisions are as follows:

1. The Fire Department would allow shortening of one leg of the hammerhead turnaround, between lots 5 and 6, since there is an emergency egress to Blossom Hill Road.
2. This would decrease the amount of private roadway, and thereby decreasing the total impervious site coverage.
3. The reduction of the private road provides the opportunity of relocating two of the guest parking spaces to the common open space near Blossom Hill Road, which then provides more private space between units 3, 4, 5, and 6.
4. Units 3, 4, 5, and 6 are re-spaced to provide 8-foot side yard setbacks between units 3, 4 and 5, and a 20-foot rear yard setback for unit 6, thus eliminating previously proposed deviations from the RM5-12 guidelines in six locations.

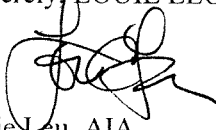
LOUIE LEU
ARCHITECT, Inc.

In addition, we did explore the possibility of turning units 1 and 2 such that the fronts of the units faced the private drive, as suggested by Council member Spector. This is shown in the plan labeled Option "E". We do not like this option however, as the rear yards are subject to more sound exposure from Blossom Hill Road, and the sound wall/fence would be approximately 90 feet in length, instead of 45 feet in the modified Option "C" or Option "D". It would also be located much closer to Blossom Hill Road, and to the existing mature pine trees. This would eliminate any possibility to install a two foot berm with a 6 foot fence. Instead, there would have to be an 8-foot sound wall/fence. We also considered just turning the units and leaving the yards as they were, but this would create side yards for the units instead of back yards and eliminate the appearance of front elevations and "eyes on the street" on the Blossom Hill Road side. For these reasons, the original orientation of Units 1 and 2, with the rear yards facing each other and the reduced length and height of the sound wall/fence is the better option.

We have included 3d simulated views showing the difference between the orientation of the units and fence locations of Option "C/D" and Option "E". To illustrate how the fence might appear, we have also included literature on precast concrete fences that have a more natural wood appearance, which is similar to what we are proposing.

In conclusion, we hope we have sufficiently responded to Town Council's concerns and incorporated design changes that make this an even better project. We look forward to the opportunity to respond to any additional questions at the next Council meeting, and respectfully ask for Town Council's consideration and approval of this project with the revisions and improvements as illustrated in Site Plan Option "D".

Sincerely, LOUIE LEU ARCHITECT, Inc



Louie Leu, AIA

Attachments:

- 1) Proposal for Rear Yard Access, Exhibit 'A'
- 2) Option "D" Site Plan
- 3) Option "E" Site Plan
- 4) 3d views showing orientation and fence location options
- 5) Literature representing appearance of precast concrete fence

Cc: Eden Homes, LLC
Laura Worthington-Forbes

September 24, 2006

Exhibit "A"

Proposal

This proposal is between the owner of 17005 Roberts Rd, Los Gatos, CA Khurram Iqbal and Home Owners of 16979 Roberts, Rd Los Gatos, CA Unit Number 2, 3 and 4.

I Khurram Iqbal offer to transfer the ownership of Three feet by 105 feet of my property located at 17005 Roberts Rd, Los Gatos for sum of NINE Thousand Dollars (9,000 USD) to the Homeowners of 16979 Roberts, Rd Los Gatos , CA Unit Number 2, 3 and 4. (See attached drawing). This 3 by 105 feet of strip shown in the attached drawing will be used for the access from the back yard of the condominium number 2, 3 and 4. In addition, responsibilities of both the parties for this improvement are described in the table below.

Improvements	Responsibility
Fence at New property line	Khurram Iqbal
Fence inside Condominiums	Victoriana Homeowners
Improvement of pathway Including gates and locks	Victoriana Homeowners
Lot line adjustment expense Including survey	Khurram Iqbal
Title Transfer including Escrow cost	50% Khurram Iqbal 50% Victoriana Homeowners

This offer is contingent upon Approval of Town Council for Bella Vasona project on October 2nd 2006. By signing this proposal both parties agree to this concept and will be obligated to bind into the legal contract that will be prepared by legal attorney upon acceptance of this proposal and approval of Bella Vasona Project.

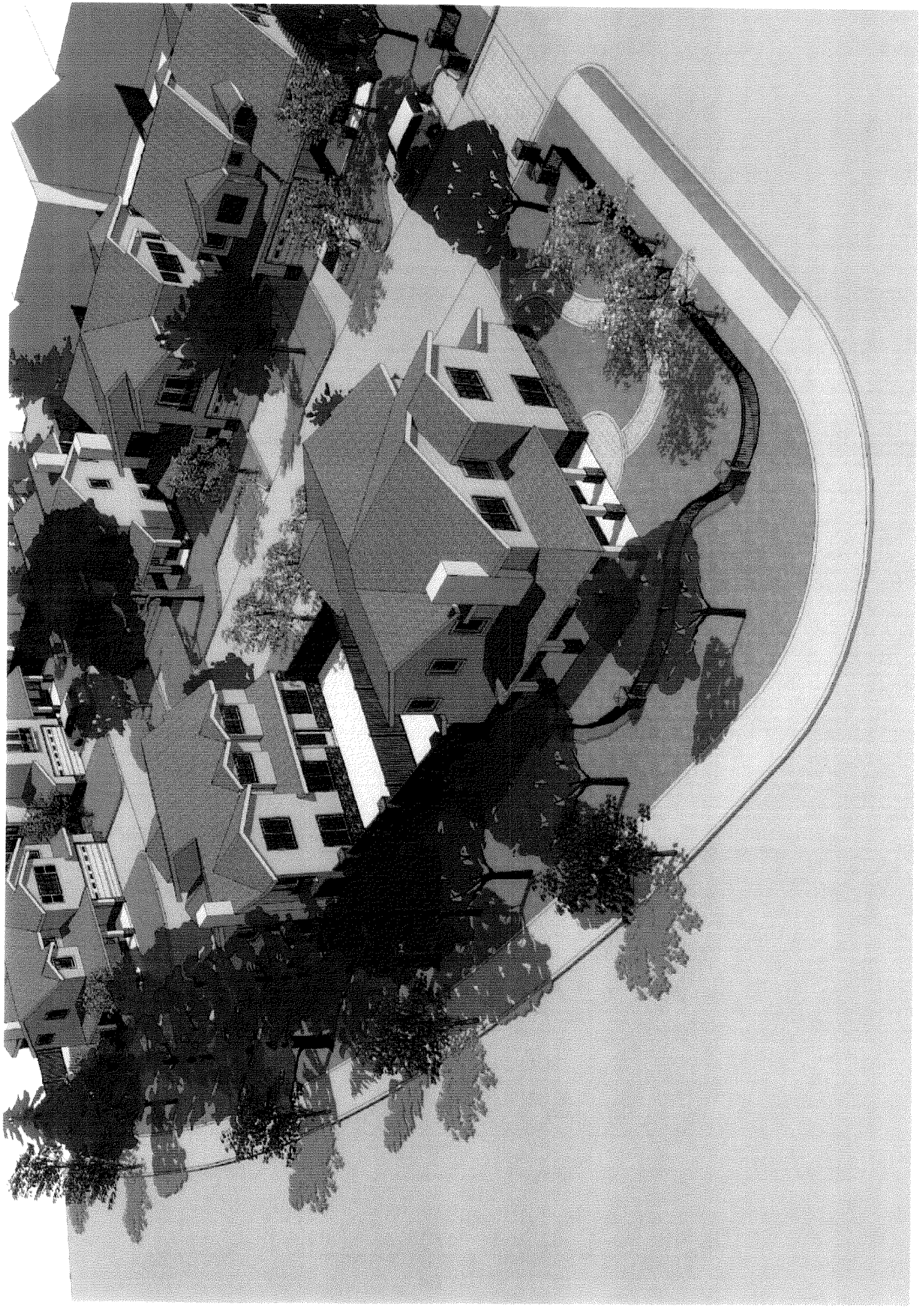
Khurram Iqbal
Seller
17005 Roberts Rd
Los Gatos CA 95032

John Shepardson
Buyer
16979 Roberts Rd
Unit # 4

Ling Shan
Buyer
16979 Roberts Rd
Unit # 3

Sally Wedd
Buyer
16979 Roberts Rd
Unit # 2

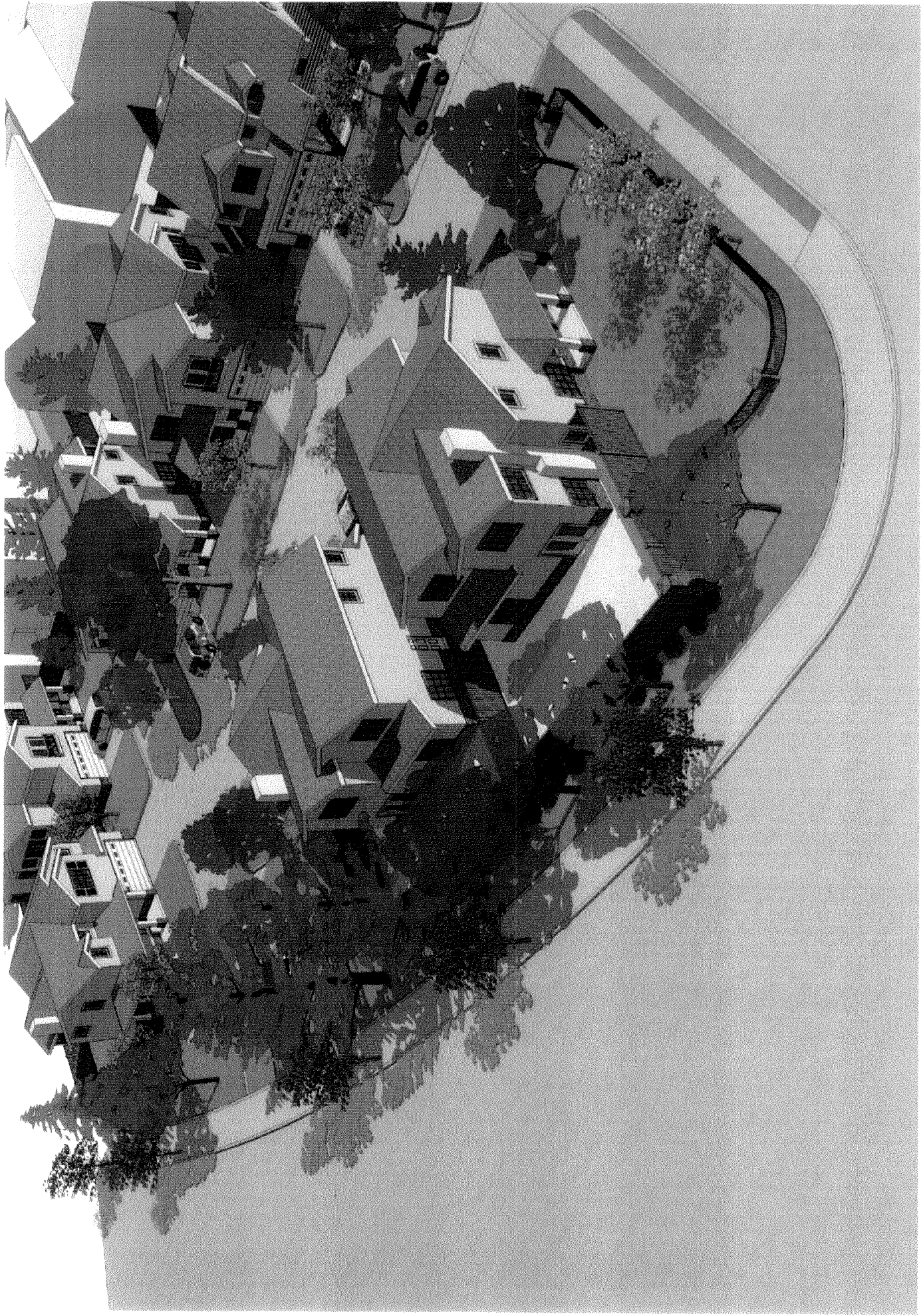
NOTE: This proposal is made in a good faith effort to accommodate Town council concern about the rear yard access and does not establish any presence of prescriptive easement or any legal responsibility of Khurram Iqbal to provide this access. Proposal is valid for 30 days from September 24, 2006.



OPTION C/D - AERIAL VIEW OF UNITS 1 & 2



OPTION C/D - VIEW OF UNITS 1 & 2 FROM BLOSSOM HILL ROAD



OPTION E - AERIAL VIEW OF UNITS 1 & 2



OPTION E - VIEW OF UNITS 1 & 2 FROM BLOSSOM HILL ROAD



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North Carolina, Colorado

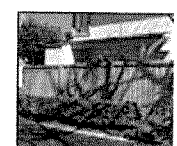
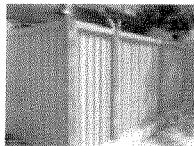
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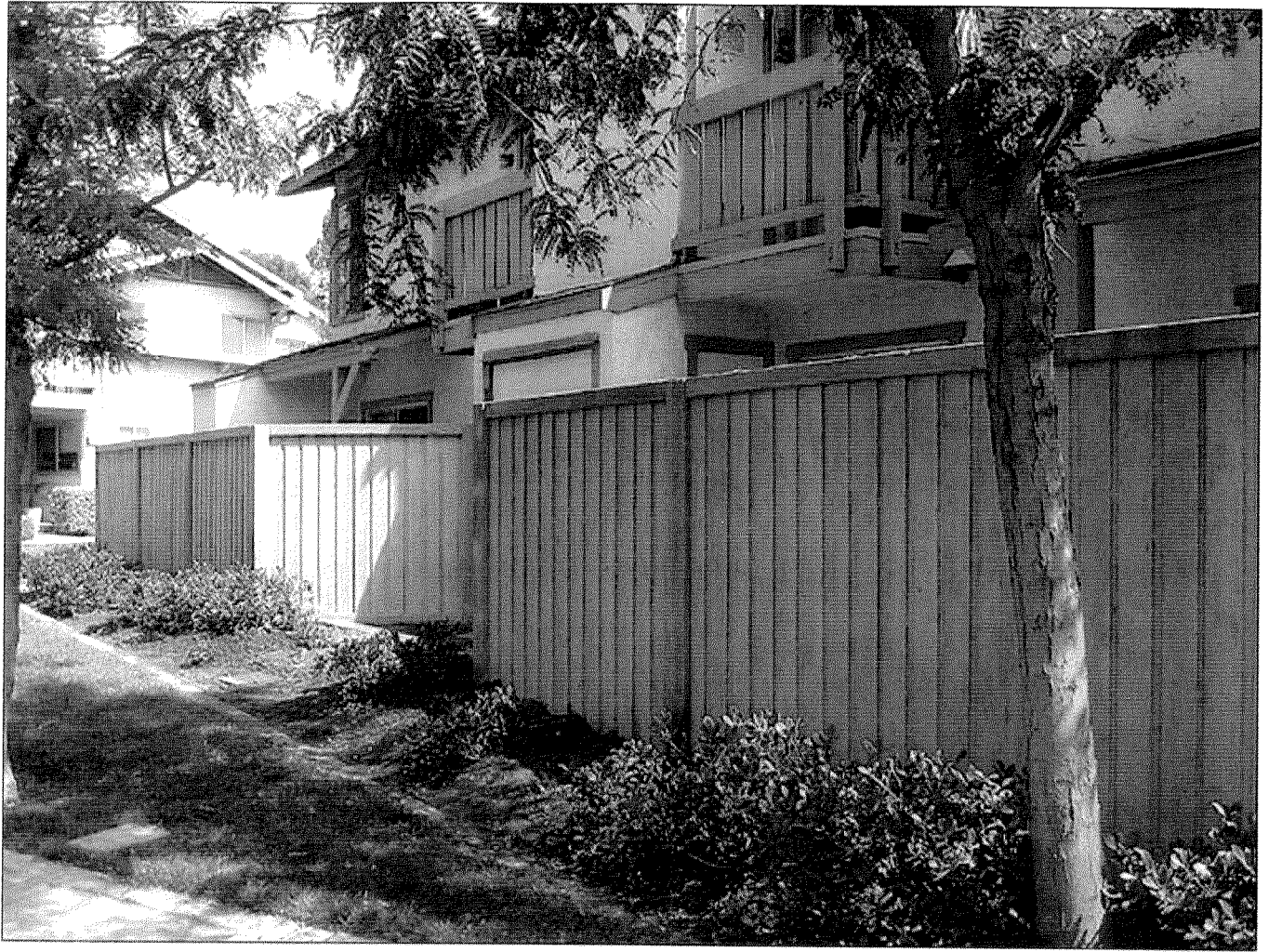
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ARCHITECT-INC

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UNION	09-23-08
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SWAN COUNCIL	09-23-06
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There is no significant difference in the proportion of patients who were

Project Title: **BELLA VASONA
RESIDENTIAL
DEVELOPMENT**

1017 ROBERTS ROAD
D5 CATON, CA 95230

and Title

**SITE PLAN
OPTION D**

Date Rec 2317
 OK 1-16-04
 SEP. 15, 2004
 Date Rec:

3
a

PROJECT IMPROVEMENTS TO MODIFIED OPTION C

THE FIRE DEPARTMENT WOULD ALLOW SHORTENING OF THE 2400' ROADWAY BETWEEN UNITS 3 AND 5, AND A 2400' ROAD WOULD BE ADDED BETWEEN UNITS 3 AND 5, ELIMINATING 2' DEVIATIONS FROM THE RM-32 GUIDELINES.

THE SHORTENING OF THE PRIVATE ROAD PROVIDES THE OPTION OF RELOCATING TWO OF THE QUIET PARKING SPACES TO THE COMMON OPEN SPACE NEAR BLOSSOM HILL ROAD, WHICH THEN GIVES MORE PRIVATE SPACE BETWEEN UNITS 3, 4, 5 AND 6.

THIS WOULD DECREASE THE AMOUNT OF PRIVATE ROADWAY, AND THEREBY DECREASE SLIGHTLY THE TOTAL IMPERVIOUS SITE COVERAGE.

UNITS 3, 4, 5 AND 6 ARE RE-SPACED TO PROVIDE 8' FOOT SPACING BETWEEN UNITS 3 AND 5, AND A 2400' ROAD WOULD BE ADDED BETWEEN UNITS 3 AND 5, ELIMINATING 2' DEVIATIONS FROM THE RM-32 GUIDELINES.

[illegible]

PROPOSED LOT INFORMATION				
UNIT	AREA	ACRES	LOT CORRECTION	FAIR SHARE ALLOW.
101	7,137	50	1,320	50
102	7,137	50	1,320	50
103	5,446	50	1,320	50
104	5,446	50	1,320	50
105	5,446	50	1,320	50
106	5,446	50	1,320	50
107	5,446	50	1,320	50
108	5,446	50	1,320	50
109	5,446	50	1,320	50
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169	5,446	50	1,320	50
170	5,446	50	1,320	50
171	5,446	50	1,320	50
172	5,446	50	1,320	50
173	5,446	50	1,320	50
174	5,446	50	1,320	50
175				

SITE PLAN - OPTION D

